

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joel Colón-Justiniano, Task Force Officer (“TFO”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, depose and state:

Introduction

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, *United States Code*, Section 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests upon violation of offenses enumerated in Titles 18 and 21 of the *United States Code*. I am currently assigned to the ATF in San Juan, Puerto Rico, conducting investigations of federal firearms violations and other federal violations.

2. I have been a TFO with ATF for the past eight years. I am a graduate of the Puerto Rico Police Academy and possess an associate degree in criminal justice. I have been an Agent with the Puerto Rico Police Bureau (“PRPB”) for the last twenty-four years, in which I have conducted investigations dealing with firearms, drugs, homicides, intelligence, and other crimes. Through training, investigations, and experience, I have taken part in cases relating to the trafficking of firearms, the use and possession of firearms by persons prohibited by law, and the possession of illegal firearms.

3. The facts and information contained in this affidavit are based upon my training and experience, participation in this investigation, personal knowledge and

observations during this investigation, as well as the observations of other agents and police officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of records, documents, and other physical evidence obtained during the investigation.

4. This affidavit contains information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the United States. This affidavit contains information necessary to support probable cause for a criminal complaint charging **Kevin Noel MORALES-NIEVES** (“**MORALES-NIEVES**”) with violation of 18 U.S.C. § 922(o) (Possession of a Machinegun).

Facts Supporting Probable Cause

5. On February 3, 2025, at approximately 4 a.m., Carolina Municipal Police Department (“CMPD”) agents were conducting preventive patrolling on Isla Verde Avenue in Carolina when they observed three individuals, including **MORALES-NIEVES**, walking on the sidewalk. **MORALES-NIEVES** had a pistol magazine protruding from his waistband area that was attached to an object that appeared to be a pistol under his shirt. Agents approached **MORALES-NIEVES** and asked if he had a Puerto Rico Firearms License. **MORALES-NIEVES** responded, “what’s going on.” Agents repeated the question and **MORALES-NIEVES** again stated, “what’s going on.” Agents detained **MORALES-NIEVES** and removed from

his waistband a Glock 26Gen5 pistol, 9mm caliber, bearing serial number AFPG499, loaded with 23 rounds of 9mm caliber ammunition in the magazine and one round in the chamber. The Glock 26Gen5 pistol had a visible gold color metal device on the back plate of the firearm, commonly known as “chip” (hereinafter referred to as “the Device”), which enables the firearm to shoot in the automatic mode. During the search incident to arrest, agents recovered a fanny-pack from **MORALES-NIEVES**’ waist. The fanny-pack contained (a) one extended magazine, loaded with 31 rounds of 9mm caliber ammunition, (b) one pistol magazine loaded with 18 rounds of 9mm caliber ammunition, (c) one black container with suspected marijuana, (d) one cellular telephone, (e) one face mask, and (f) two brown paper cigarettes with suspected marijuana.

6. After being advised of his Miranda rights, **MORALES-NIEVES** told agents that he paid \$1,500 for the pistol.

7. On February 3, 2025, ATF agents interviewed **MORALES-NIEVES** after advising him of his Miranda rights. **MORALES-NIEVES** indicated he understood his rights and provided a voluntary statement to law enforcement where he related the following facts, among others. **MORALES-NIEVES** indicated he was walking on the sidewalk in Isla Verde Avenue with two friends. When he arrived in front of the Hotties Bar and Restaurant, he was detained by police officers. The police officers seized a Glock pistol from his waist area and two pistol magazines from inside a fanny-pack. The police officers asked him if he had a firearms license.

ATF agents asked **MORALES-NIEVES** if he obtained the Glock pistol with a “chip” (referring to the Device). **MORALES-NIEVES** replied, in sum and substance, “yes, just the way it is.”

8. A CMPD firearms instructor performed a field test on the Glock 26Gen5 pistol. The field test preliminarily revealed that the firearm was modified to fire more than a single round of ammunition per single function of the trigger. That is, the firearm is capable of expelling more than one projectile, without manual reloading, by a single function of the trigger.

9. Based on the Affiant’s training, knowledge and experience, the Device was not installed by the manufacturer and was placed on the firearm with the sole purpose of illegally modifying it to fire fully automatic. The Device can be readily observed by anyone who loads, unloads, cleans, or disassembles the firearm.



Conclusion

10. Based on the facts contained herein, there is probable cause to believe that **MORALES-NIEVES** committed the following Federal offense: 18 U.S.C. § 922(o) (Possession of a Machinegun).

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

JOEL COLON-
JUSTINIANO (Affiliate)

Digitally signed by JOEL COLON-
JUSTINIANO (Affiliate)
Date: 2025.02.04 12:37:24 -04'00'

Joel Colón-Justiniano
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone at 1:15 p.m. on the 4th day of February, 2025.

  Digitally signed by
Hon. Bruce J.
McGiverin

Bruce J. McGiverin
Magistrate Judge
United States District Court
District of Puerto Rico